

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EMPLOYERS & CEMENT MASONS #90 )  
HEALTH & WELFARE FUND, et al., )  
  )  
Plaintiffs,                            )  
  )  
vs.                                    ) Case No. 4:13CV01678 AGF  
  )  
  )  
EHRET, INC.,                        )  
  )  
Defendant.                            )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion for default judgment against Defendant Ehret, Inc. Plaintiffs filed this action on August 26, 2013, under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132. The complaint alleges that Defendant failed to fully pay several employee benefit funds the contributions due under the collective bargaining agreement with Defendant's employees' union. Plaintiffs are the union and the trustees of the various funds.

On January 7, 2014, the Clerk of Court entered an order of default against Defendant. In their motion for default judgement, Plaintiffs sought judgment against Defendant in the amount of \$10,343.51 for delinquent fringe benefit contributions for the months of August and September 2012; contractual late fees in the amount of \$3,951.36; pre-judgment interest in the amount of \$7,749.43 for the period of September 2012 to January 2014; post-judgment interest; and attorneys' fees and expenses incurred in connection with this action in the amount of \$8,424.75. Plaintiffs provided documentation, including remittance reports and affidavits, supporting their assertion that

they are entitled to these amounts. Additionally, Plaintiffs requested the Court to grant them leave to amend their motion for default judgment to include additional contribution amounts that may be due, as well as liquidated damages, interest, and additional attorneys' fees and costs.

On January 23, 2014, the Court ordered Defendant to submit all outstanding remittance reports to Plaintiffs within 21 days. The Court also granted Plaintiffs 21 additional days to amend their motion for default judgment to reflect additional amounts that may be due as evidenced by Defendant's outstanding remittance reports, as well as late fees, interest, and additional attorneys' fees and expenses. The Court noted that Plaintiffs' failure to amend their motion for default judgment in the allotted time frame would result in an entry of judgment for Plaintiffs in the amounts previously set forth in their motion. Plaintiffs subsequently failed to amend their motion within the allowed time frame, or to seek an extension to do so.

Upon review of the record,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for default judgment is **GRANTED**. [Doc. #14]

An appropriate Judgment showing Defendant's full liability of \$30,469.05 for the periods set forth above shall accompany this Memorandum and Order.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 26th day of March, 2014.